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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,759	06/07/2007	Petrus Johannes Marie Otten	06-781	8953
20306 7590 10/01/2010 MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP 300 S. WACKER DRIVE 32ND FLOOR CHICAGO, IL 60606				
EXAMINER EVANSKO, LESLIE J				
ART UNIT		PAPER NUMBER		
2854				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/593,759

Applicant(s)OTTEN, PETRUS JOHANNES
MARIE**Examiner**

Leslie J. Evanisko

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-8 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-18 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 06-07-2007 & 09-20-2010
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group II, Species A, claims 9-18 and 20 in the reply filed on August 9, 2010 is acknowledged. The traversal is on the ground(s) that the two groups of claims are not so distinct from one another as to warrant restriction since they rely on generally the same features for patentability and it would not constitute an undue burden for the Examiner to examine both groups of claims. This is not found persuasive because it is the Examiner's position that the two groups are distinct from one another and do not rely on the same features for patentability. In particular, it is noted that the only overlapping feature between the method of group I and the device of group II is the table used for positioning the plate, which is a known feature as evidenced by the teaching of the table 53 in Figure 2 of Leader, Jr. et al. (US 5,132,911). Therefore this overlapping feature is not a special technical feature that defines a contribution which each of the claimed inventions, considered as a whole, makes over the prior art. Thus, the method and device are relying upon different features for patentability.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 1-8 and 19 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention and species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on August 9, 2010.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

- recess 6 on page 6, line 11;
- carriage 28' on page 8, lines 4 and 11;
- camera 29' on page 8, line 11;
- apertures 42 on page 12, line 18;
- pressing roller 47 on page 13, lines 10 and 12.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the digital device in claim 10 and the zoom means in claim 16 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

6. The disclosure is objected to because of the following informalities: The specification lacks the appropriate section headings as set forth in MPEP 608.01(a) and 37 CFR 1.77(c).

Appropriate correction and/or clarification is required.

7. The disclosure is objected to because of the following informalities:

On page 6, line 10, it is suggested that the phrase --of Fig.-- be inserted before "2". On page 6, lines 16 and 17, it is suggested that "10a, 10b" be deleted and replaced with --10A, 10B-- to use numerals consistent with those shown in the Figures. On page 6, line 31, it is suggested that "18" be deleted and replaced with --19-- to correct an obvious typographical error since the steel profile was previously defined with numeral 19 (see, for example, line 30 of page 6). On page 7, line 30, it is suggested that the term "wether" be deleted and replaced with --whether-- to correct an obvious typographical error.

Appropriate correction and/or clarification is required.

Claim Objections

8. Claim 13 and 17 are objected to because of the following informalities:

With respect to claim 13, the term "the device being recorded" has no proper antecedent basis since no device being recorded was previously recited.

With respect to claim 17, the term “the desired final position” has no proper antecedent basis since the desired final position was previously recited in claim 10 and claim 17 does not depend upon claim 10.

Appropriate correction and/or clarification is required.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 9-15, 17-18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Dewitte (US 6,823,793 B2).

With respect to claim 9, Dewitte teaches a device 100 for positioning a printing plate 211 on a carrier comprising a table 101 for placing the printing plate for positioning, support means (i.e. frame/rotation structure) for supporting the carrier 113 on which the printing plate is positioned, at least one camera 309 for recording an image 217 of the printing plate, a manipulator 109, 311 for transporting the printing plate to the carrier, and a control means which is adapted to control the manipulator and which is connected to the at least one camera to obtain signals coming from the at least one camera, wherein the at least one camera is placed for sensing a position of the printing plate in the vicinity of the support means. See Figures 1A-1B, 3 and 4 as well as columns

4-9 of Dewitte. Note that the camera can broadly be considered to be sensing the position of the plate in the “vicinity” of the support means since the camera and carrier are relatively closely positioned and part of the same positioning mechanism.

With respect to claims 10-11 and 13, note Dewitte teaches the device includes a digital device for comparing the position of the printing plate and a desired final position of the printing plate and adapted to control the transportation and positioning of the printing plate subject to the result of the comparison and independent of the image displayed by the camera, as described in column 7, line 47 through column 61.

With respect to claim 12, note this claim is a functional recitation of a desired mode of operation and fails to recite any further structure necessary to provide that function. Therefore, since the device of Dewitte includes all of the structure as recited, the device of Dewitte is broadly capable of positioning several printing plates placed on top of each other on the table.

With respect to claims 14 and 15, note the device of Dewitte includes software for comparing the recorded image to an image stored in memory, as described in column 6, lines 31-38.

With respect to claim 17, note the device of Dewitte is adapted to repeatedly sense the position of the printing plate (i.e., the multiple registration marks) and the control means repeatedly compares the sensed position to the final position and controls the manipulator until the final position is reached.

With respect to claim 18, note Dewitte teaches the manipulator includes a displaceable carriage 307, 109 with a pick-up device 311 with which the printing plate can be picked up and transported to the carrier.

With respect to claim 20, note the manipulator and camera of Dewitte are broadly adapted to position and sense the printing plate simultaneously.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dewitte (US 6,823,793 B2).

With respect to claim 16, Dewitte teaches a device as recited with the possible exception of the camera including a zoom means. However, the use of a zoom means in a camera mechanism for focusing or zooming in on an object is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to include a zoom means in the camera of Dewitte to allow for increased accuracy in the positioning of the plate.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Van Der Horst (US 6,055,908), Banke (US 4,872,407), and Zanolì et al. (US 2006/0117973 A1) each teach a device for positioning a plate on a carrier having obvious similarities to the claimed subject matter.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie J. Evanisko** whose telephone number is **(571) 272-2161**. The examiner can normally be reached on T-F 8:00 am-6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ Leslie J. Evanisko /
Leslie J. Evanisko
Primary Examiner
Art Unit 2854

lje
September 29, 2010